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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,700	08/17/2001	Takayuki Ohkubo	CU-2628 RJS	5754

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,700

Applicant(s)

OHKUBO ET AL.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 13-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 12/19/05 and has been entered and made of record. Currently, claims 1-12 are pending and claims 13-34 are withdrawn.

Drawings

2. Applicant's amendments to Figures 49 and 65 and to the specification have overcome the objection to the drawings as cited in the previous Office Action. Therefore the objection has been withdrawn.

Specification

3. Applicant's amendment to the specification to correct minor informalities has overcome the objection as cited in the previous Office Action. Therefore the objection has been withdrawn.

Response to Arguments

4. Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of claims 1-12, more specifically claims 1, 7, and 10, wherein on pages 16-18, the applicant asserts that Higashio and Mizoguchi fail to disclose the use of social, current and/or passing event information. The examiner respectfully disagrees as Higashio and Mizoguchi do disclose such features. Particularly, Higashio discloses a system that stores image data with associated event data information, such as "birthday", "Christmas", and "wedding anniversary", which can be retrieved based on search keys and printed to form a composite image. Event categories such as "birthday", "Christmas", and "wedding anniversary" are analogous to social, current, and/or passing event information. To retrieve a desired stored image a user can search by event category, file name, or some other associated image criteria. The image data is stored based on event information, data passes, and file name. Therefore, Higashio discloses storing image data and event information, retrieving images based on event information, and printing the image plus the event information. Mizoguchi discloses a system that stores images based on time and event information. It is well known in the art for photographs, such as those taken with a digital camera, to have a timestamp. Mizoguchi further discloses searching and retrieving images based on the event information and associated time data, which is analogous to retrieving event information within a range of time relating to the original

image. Thus, it would have been obvious to one of ordinary skill in the art to combine the aspect of time data, as related to the time a photograph was taken, being an additional search, retrieval, and storage index that is associated with image data such as the event data and file name as disclosed in Higashio. The combination therefore discloses all the limitations recited in claims 1, 7, and 10.

Therefore, the rejection of claims 1-12, as cited in the Office Action dated 6/16/05, is maintained and repeated in this Office Action.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashio in view of Mizoguchi.

Regarding claim 1, Higashio discloses an image plus event information printing system, which comprises: an image data inputting means for inputting a datum of original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event of social, current and/or passing events information being sorted with information database which memorizes the data one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event information within a predetermined range being correlation to the time which is related to the original image, by retrieving from the sorted data in the

event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), an image editing means for preparing a datum of an image plus event information, from the datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58), and a printing means for printing the image plus events information an accordance with the datum prepared by the image editing means (see column 7 lines 53-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 7, Higashio discloses a server which delivers a material datum for image synthesis to a terminal or server capable of editing the image via line, which comprises: an event information database which memorizes the data of social, current and/or passing events information being sorted with one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event information within a predetermined range being in correlation to the time which is related to the original image, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), and a transmission means for transmitting the retrieved data to the terminal or server capable of editing the image (see Figs. 1 (8) and 2 (201), column 4 lines 1-20 and 32-40, and column 6 lines 5-7 and 13-22).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 10, Higashio discloses a server which is connected to a terminal via line and transmits to the terminal a datum of image which is synthesized herein, which comprises: a receiving means for receiving a datum of original image (see Figs. 1 and 2, column 3 lines 58-65, column 4 lines 32-40, and column 5 lines 41-44), an event information database which memorizes the data of social, current and/or passing events information being sorted with one or more items (see Figs. 4 and 5 and column 5 lines 3-29), an event information retrieval means for extracting any event information within a predetermined range being correlation to the time which is related to the original image, by retrieving from the sorted data in the event information database with using one or more of the items (see Fig. 3, column 4 lines 50-58, and column 5 lines 48-50), and an image editing means for preparing a datum of an image plus event information from the datum of original image and the extracted event information (see column 6 lines 5-66 and column 7 lines 22-58).

Higashio does not disclose expressly wherein one of the items consists of the occurrence time of the event.

Mizoguchi discloses wherein one of the items consists of the occurrence time of the event (see Figs. 3, 5, 6, and 9, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Higashio & Mizoguchi are combinable because they are from the same field of endeavor, composition of image data based on particular reference criteria.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the occurrence time and date of an event, that has been photographed and processed into image data, as a reference and search tool to aid in the combination of image data for output (i.e. printing) as described by Mizoguchi with the system of Higashio.

The suggestion/motivation for doing so would have been to provide improved searching ability and an increase in system performance by adding time and date information, which is commonly added to a photograph at the time of capture, that can be searched and used as a particular criteria for image combination (see column 1 lines 32-33 and 49-62 of Mizoguchi).

Therefore, it would have been obvious to combine Mizoguchi with Higashio to obtain the invention as specified in claims 1, 7, and 10.

Regarding claims 2, 8, and 11, Higashio and Mizoguchi disclose the system discussed in claims 1, 7, and 10, and Mizoguchi further discloses wherein the time which is related to the original image is the photographed day of the original image (see

Figs. 5, 6, and 9, column 6 lines 51-65, column 7 lines 10-27, column 8 lines 7-48, and column 9 line 63-column 10 line 5).

Regarding claim 3, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses an event information selecting means wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means and thereby, the image editing means prepares the datum of the image plus event information, from the datum of original image and the event information selected by the event information selecting means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

Regarding claim 4, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part and a event information service part which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)), the image editing means (Fig. 2 (201) and column 6 lines 13-22) and the printing image plus event means (Fig. 2 (7)), and wherein the event information service part includes the event information database (Fig. 4 (31) and column 5 lines 3-29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58).

Regarding claim 5, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part and a retrieval and editing part, which are connected to each other via line (Fig. 2 (220)), wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)), and wherein the retrieval and editing part includes the current event information database (Fig. 4 (31) and column 5 lines 3-29), the current event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claim 6, Higashio and Mizoguchi disclose the system discussed in claim 1, and Higashio further discloses wherein the system comprises a terminal part, an editing part, and an event information service part wherein the terminal part and editing part are connected to each other via line (Fig. 2 (220)), and the editing part and the event information service part are connected to each other via line (Fig. 2 (220)) wherein the terminal part includes the image data inputting means (Fig. 2 (8)) and the printing means (Fig. 2 (7)) and wherein the editing part includes the image editing means (Fig. 2 (201) and column 6 lines 13-22), and wherein the event information service part includes the event information database (Fig. 4 (31) and column 5 lines 3-29) and the event information retrieval means (Fig. 5, column 6 lines 5-66, and column 7 lines 22-58), and the image editing means (Fig. 2 (201) and column 6 lines 13-22).

Regarding claims 9 and 12, Higashio and Mizoguchi disclose the system discussed in claims 7 and 10, and Higashio further discloses wherein one or more events information are selected as user's pleases from the retrieved events information when two or more events information are retrieved from the sorted data at the event information retrieval means (see Figs. 3-5, column 6 lines 5-7 and 13-22, and column 7 lines 22-58).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached at (571) 272-7471. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622

MRM

JOSEPH R. POKRZYWA
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